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20 Attorneys for Plaintiff and the Putative Class

21
22 UNITED STATES DISTRICT COURT
23
24 NORTHERN DISTRICT OF CALIFORNIA
25
26 SAN FRANCISCO DIVISION

27 DAPHNE P. RAND, by and through DEBRA
28 J. DOLCH, as Conservator of the Person and
Estate of DAPHNE P. RAND, Conservatee, on
Behalf of Themselves and All Others Similarly
Situated.

29 Plaintiff,

30 vs.

31 AMERICAN NATIONAL INSURANCE
32 COMPANY, a Texas corporation.

33 Defendant.

34 Case No. CV 09 0639 SI

35 CLASS ACTION

36 **AMENDED STIPULATION AND
37 [PROPOSED] ORDER CONTINUING
38 BRIEFING SCHEDULE**

39 Judge Susan Illston

40 Action Filed: 02/12/09

41 This stipulation is made between Plaintiff DEBRA J. DOLCH, as Special Administrator of
42 the Estate of DAPHNE P. RAND (“Plaintiff”) and Defendant American National Insurance
43 Company (“ANICO” or “Defendant”), by and through their respective counsel of records, based
44 on the following:

1 WHEREAS, on August 19, 2010 (dkt. 130), the court moved Defendant's Motion for
 2 Partial Summary Judgment, previously set for September 3, 2010, to September 10, 2010 at 9:00
 3 a.m. in Courtroom 10.

4 WHEREAS, Plaintiff agrees she will not amend the complaint or add parties between now
 5 and the time ANICO responds to her Motion for Class Certification, but reserves the right to so
 6 amend and/or intervene with a new or additional plaintiff based upon any challenges or objections
 7 by Defendant. Defendant reserves its rights to any and all defenses to such amendment or
 8 interventions, if any.

10 WHEREAS, the current schedule requires plaintiffs to submit their class certification
 11 motion and expert disclosures on September 21, 2010 and one of plaintiff's counsel, Ingrid Evans,
 12 will be out of the country during that time period. Additionally, plaintiff's counsel Andrew
 13 Friedman is set for trial on September 13, 2010, and is unavailable during that time.
 14

15 Additionally, the parties are still conducting discovery: Defendant has not yet completed
 16 document production; and depositions of additional witnesses will be scheduled after the final
 17 document production. The parties believe that the current scheduling order on class certification
 18 should be modified to allow for completion of discovery, resolution of any discovery disputes and
 19 any other matters, as follows:

	Current Dates	Proposed Dates
21 Plaintiff's Motion for Class Certification and 22 Designation of Class Cert Experts	September 21, 2010	November 4, 2010
23 Defendant's Opposition to Motion for Class 24 Certification and Expert Disclosures	November 9, 2010	January 6, 2010
25 Plaintiff's Reply in Support of Motion for Class 26 Certification	November 30, 2010	January 20, 2010
27 Hearing on Motion for Class Certification	December 20, 2010	January 31, 2010

1 THEREFORE, it is hereby stipulated between the undersigned parties, through their
2 counsel of record, that the briefing schedule for Plaintiff's Motion Class Certification briefing may
3 be continued as set forth above, subject to approval by the Court.
4

5 DATED: September 7, 2010 WATERS, KRAUS & PAUL
6

7 By: _____ /s/
8 INGRID M. EVANS
9 Attorneys for Plaintiff DEBRA J. DOLCH, as Special
Administrator of the Estate of DAPHNE P. RAND
10

11 DATED: September 7, 2010 GREER, HERZ & ADAMS, LLP
12

13 By: _____ /s/
14 JOSEPH R. RUSSO
15 Attorneys for Defendant AMERICAN NATIONAL
INSURANCE COMPANY
16

17 ATTESTATION OF SIGNATURE

18 Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury that
19 concurrence in the filing of the document has been obtained from all signatories.
20

21 DATED: September 7, 2010 WATERS, KRAUS & PAUL
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23 By: _____ /s/
24 INGRID M. EVANS
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1 IT IS SO ORDERED.

2 DATED: _____

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4 By 
5 The Honorable Susan Illston
6 District Court Judge

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